

# 13:1D-33

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001                      **CHAPTER:** 314

**NJSA:** 13:1D-33                      (Cap on application for CAFRA fees)

**BILL NO:** A3215                      (Substituted for S2049)

**SPONSOR(S):** Wolfe

**DATE INTRODUCED:** February 15, 2001

**COMMITTEE:**                      **ASSEMBLY:** Environment

**SENATE:** ----

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                      **ASSEMBLY:** November 29, 2001

**SENATE:** December 17, 2001

**DATE OF APPROVAL:** January 3, 2002

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (1st reprint enacted)

(Amendments during passage denoted by superscript numbers)

#### A3215

**SPONSORS STATEMENT:** (Begins on page 2 of original bill)                      Yes

**COMMITTEE STATEMENT:**                      **ASSEMBLY:** Yes

**SENATE:** No

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

#### S2049

**SPONSORS STATEMENT:** (Begins on page 2 of original bill)                      Yes

Bill and Sponsors Statement identical to A3215

**COMMITTEE STATEMENT:**

**ASSEMBLY:** No

2001(Environm't)

**SENATE:** Yes 11-19-

A3215

Identical to Assembly Environment Statement for

11-29-2001(Budget)

**FLOOR AMENDMENT STATEMENTS:**

No

**LEGISLATIVE FISCAL ESTIMATE:**

Yes

Identical to fiscal estimate for A3215

**VETO MESSAGE:**

No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

# ASSEMBLY, No. 3215

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED FEBRUARY 15, 2001

**Sponsored by:**

**Assemblyman DAVID W. WOLFE**

**District 10 (Monmouth and Ocean)**

**SYNOPSIS**

Establishes cap on application fees for certain CAFRA and waterfront development permits.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning application fees for certain construction permit  
2 applications and amending P.L.1975, c.232.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 5 of P.L.1975, c.232 (C.13:1D-33) is amended to read  
8 as follows:

9 5. a. The commissioner shall adopt, amend and repeal rules and  
10 regulations to implement the provisions of this act. The commissioner  
11 shall in accordance with a fee schedule adopted as a rule or regulation  
12 establish and charge reasonable fees for the filing and review of any  
13 application for a construction permit. The fees imposed hereunder,  
14 except as may otherwise be provided by law, shall be deposited in a  
15 fund to be known as the "Environmental Services Fund," kept  
16 separate and apart from all other State receipts and appropriated only  
17 as provided herein. There shall be appropriated annually to the  
18 department revenue from such fund sufficient to defray in full the costs  
19 incurred in the processing and review of applications for construction  
20 permits.

21 b. In establishing the fee schedule required pursuant to subsection  
22 a. of this section, the commissioner shall not establish a fee in excess  
23 of \$30,000 for the filing and review of any application for a  
24 construction permit pursuant to R.S.12:5-3 or the "Coastal Area  
25 Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), except that  
26 a fee in excess of \$30,000 may be charged if the department  
27 documents actual costs in excess of \$30,000 for the review and  
28 processing of an application and the estimated cost of determining  
29 compliance with the conditions of the permit.

30 (cf: P.L.1975, c.232, s.5)

31  
32 2. This act shall take effect immediately and apply to all permit  
33 application received by the department after the effective date of this  
34 act.

35  
36  
37 STATEMENT

38  
39 This bill would provide that the Department of Environmental  
40 Protection (DEP) could not charge a permit application fee in excess  
41 of \$30,000 for any application for a permit issued pursuant to the  
42 "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et  
43 seq.), commonly known as "CAFRA," or R.S.12:5-1 et seq.,

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 commonly known as the "Waterfront Development Law," unless the  
2 DEP documents its actual costs in excess of \$30,000 for the review  
3 and processing of the application and the estimated cost of  
4 determining compliance with the conditions of the permit.

5 The DEP, currently by regulation, calculates application fees for  
6 non-residential waterfront development applications and certain non-  
7 residential CAFRA developments based on construction costs while it  
8 calculates application fees for residential developments based on the  
9 number of dwelling units in the proposed development. Currently, the  
10 DEP's regulations include a cap of \$30,000 on the application fees  
11 charged for non-residential waterfront development applications and  
12 certain non-residential CAFRA development applications. The  
13 regulation provides that the DEP may charge a supplemental fee if the  
14 actual costs for review and processing of the application and the  
15 estimated cost of determining compliance with the conditions of the  
16 permit exceed \$30,000. This bill would apply this cap to all  
17 waterfront development and CAFRA permit applications, not just  
18 those for non-residential developments.

# ASSEMBLY ENVIRONMENT COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3215**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 29, 2001

The Assembly Environment Committee reports favorably and with committee amendments Assembly Bill No. 3215.

This bill would provide that the Department of Environmental Protection (DEP) could not charge a permit application fee in excess of \$30,000 for any application for a permit issued pursuant to the "Coastal Area Facility Review Act," commonly known as "CAFRA," or R.S.12:5-1 et seq., commonly known as the "Waterfront Development Law," unless the DEP documents its actual costs in excess of \$30,000 for the review and processing of the application and the estimated cost of determining compliance with the conditions of the permit.

The DEP, currently by regulation, calculates application fees for non-residential waterfront development applications and certain non-residential CAFRA developments based on construction costs while it calculates application fees for residential developments based on the number of dwelling units in the proposed development. Currently, the DEP's regulations include a cap of \$30,000 on the application fees charged for non-residential waterfront development applications and certain non-residential CAFRA development applications. The regulation provides that the DEP may charge a supplemental fee if the actual costs for review and processing of the application and the estimated cost of determining compliance with the conditions of the permit exceed \$30,000. This bill would apply this cap to all waterfront development and CAFRA permit applications, not just those for non-residential developments.

The committee made a technical amendment to the bill.

[First Reprint]

**ASSEMBLY, No. 3215**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

INTRODUCED FEBRUARY 15, 2001

**Sponsored by:**

**Assemblyman DAVID W. WOLFE**

**District 10 (Monmouth and Ocean)**

**Co-Sponsored by:**

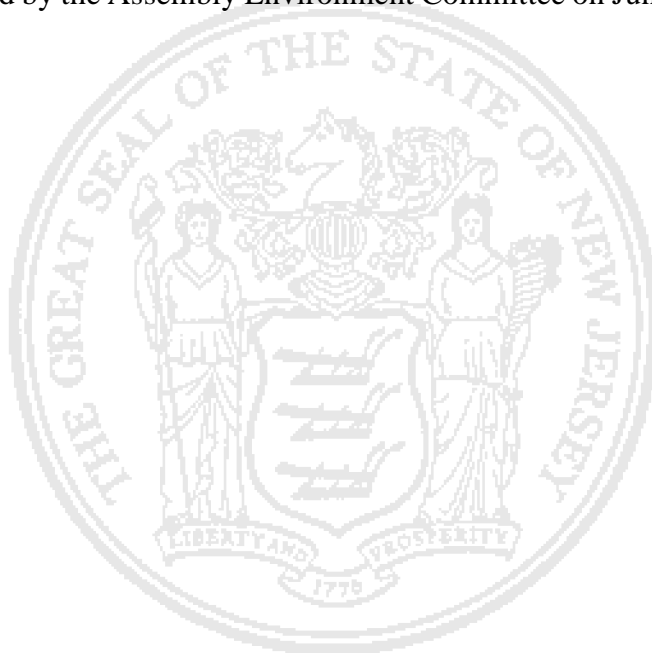
**Assemblyman Corodemus and Senator Ciesla**

**SYNOPSIS**

Establishes cap on application fees for certain CAFRA and waterfront development permits.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Environment Committee on June 4, 2001, with amendments.



**(Sponsorship Updated As Of: 12/18/2001)**

1 AN ACT concerning application fees for certain construction permit  
2 applications and amending P.L.1975, c.232.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 5 of P.L.1975, c.232 (C.13:1D-33) is amended to read  
8 as follows:

9 5. a. The commissioner shall adopt, amend and repeal rules and  
10 regulations to implement the provisions of this act. The commissioner  
11 shall in accordance with a fee schedule adopted as a rule or regulation  
12 establish and charge reasonable fees for the filing and review of any  
13 application for a construction permit. The fees imposed hereunder,  
14 except as may otherwise be provided by law, shall be deposited in a  
15 fund to be known as the "Environmental Services Fund," kept  
16 separate and apart from all other State receipts and appropriated only  
17 as provided herein. There shall be appropriated annually to the  
18 department revenue from such fund sufficient to defray in full the costs  
19 incurred in the processing and review of applications for construction  
20 permits.

21 b. In establishing the fee schedule required pursuant to subsection  
22 a. of this section, the commissioner shall not establish a fee in excess  
23 of \$30,000 for the filing and review of any application for a  
24 construction permit pursuant to R.S.12:5-3 or the "Coastal Area  
25 Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), except that  
26 a fee in excess of \$30,000 may be charged if the department  
27 documents actual costs in excess of \$30,000 for the review and  
28 processing of an application and the estimated cost of determining  
29 compliance with the conditions of the permit.

30 (cf: P.L.1975, c.232, s.5)

31  
32 2. This act shall take effect immediately and <sup>1</sup>shall<sup>1</sup> apply to all  
33 permit <sup>1</sup>[application] applications<sup>1</sup> received by the department after  
34 the effective date of this act.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly AEN committee amendments adopted June 4, 2001.



# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 3215

## STATE OF NEW JERSEY

## 209th LEGISLATURE

DATED: JULY 2, 2001

### SUMMARY

**Synopsis:** Establishes cap on application fees for certain CAFRA and waterfront development permits.

**Type of Impact:** None.

**Agencies Affected:** Department of Environmental Protection.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	None	None	None
<b>State Revenue</b>	None	None	None

- ! The bill amends section 5 of P.L.1975, c.232 by applying the existing cap, \$30,000, on permit application fees for non-residential CAFRA (Coastal Area Facility Review Act) or waterfront development projects to permit application fees for residential projects.
- ! Permits for CAFRA or waterfront development projects are issued by the Department of Environmental Protection (DEP); permit application fees are calculated to cover DEP costs of reviewing, processing and monitoring these applications.
- ! Current regulations allow an exception to the \$30,000 cap for non-residential permit application fees in cases where the DEP estimates that its processing costs will exceed this amount. The bill extends this exception to the fee cap for residential permit applications.
- ! The Office of Legislative Services (OLS) estimates that the bill will have no fiscal impact on permit application fees for residential CAFRA or waterfront development projects.

### BILL DESCRIPTION

Assembly Bill No. 3215 (1R) of 2001 provides that the Department of Environmental Protection (DEP) cannot not charge a permit application fee in excess of \$30,000 for any application for a permit issued pursuant to the "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), commonly known as "CAFRA," or R.S.12:5-1 et seq., commonly known as the "Waterfront Development Law," unless the DEP documents its actual costs in

excess of \$30,000 for the review and processing of the application and the estimated cost of determining compliance with the conditions of the permit.

The DEP currently calculates application fees for non-residential waterfront development applications and certain non-residential CAFRA developments based on construction costs, while it calculates application fees for residential developments based on the number of dwelling units in the proposed development. Existing DEP regulations include a cap of \$30,000 on non-residential application fees and also allows the DEP to charge additional fees to cover application costs if it determines that such costs exceed \$30,000. This bill would apply this cap, and the provision to charge additional costs exceeding the cap if necessary, to all waterfront development and CAFRA permit applications, not just those for non-residential projects.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services (OLS) estimates that the bill will have no fiscal impact on CAFRA or waterfront development permit application fees or the revenues they generate because the bill does not change the existing fee structure of residential development permit applications. Rather, it provides statutory authority to assure that residential waterfront development permit applicants will only be charged for the cost of application services provided, as is the case with current non-residential project applicants.

Section: *Environment, Agriculture, Energy and Natural Resources*

Analyst: *Richard M. Handelman*  
*Senior Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

**SENATE, No. 2049**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED JANUARY 22, 2001

**Sponsored by:**

**Senator ANDREW R. CIESLA**

**District 10 (Monmouth and Ocean)**

**SYNOPSIS**

Establishes cap on application fees for certain CAFRA and waterfront development permits.

**CURRENT VERSION OF TEXT**

As introduced.



S2049 CIESLA

2

1 AN ACT concerning application fees for certain construction permit  
2 applications and amending P.L.1975, c.232.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 5 of P.L.1975, c.232 (C.13:1D-33) is amended to read  
8 as follows:

9 5. a. The commissioner shall adopt, amend and repeal rules and  
10 regulations to implement the provisions of this act. The commissioner  
11 shall in accordance with a fee schedule adopted as a rule or regulation  
12 establish and charge reasonable fees for the filing and review of any  
13 application for a construction permit. The fees imposed hereunder,  
14 except as may otherwise be provided by law, shall be deposited in a  
15 fund to be known as the "Environmental Services Fund," kept  
16 separate and apart from all other State receipts and appropriated only  
17 as provided herein. There shall be appropriated annually to the  
18 department revenue from such fund sufficient to defray in full the costs  
19 incurred in the processing and review of applications for construction  
20 permits.

21 b. In establishing the fee schedule required pursuant to subsection  
22 a. of this section, the commissioner shall not establish a fee in excess  
23 of \$30,000 for the filing and review of any application for a  
24 construction permit pursuant to R.S.12:5-3 or the "Coastal Area  
25 Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), except that  
26 a fee in excess of \$30,000 may be charged if the department  
27 documents actual costs in excess of \$30,000 for the review and  
28 processing of an application and the estimated cost of determining  
29 compliance with the conditions of the permit.

30 (cf: P.L.1975, c.232, s.5)

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32 2. This act shall take effect immediately and apply to all permit  
33 application received by the department after the effective date of this  
34 act.

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37 STATEMENT

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39 This bill would provide that the Department of Environmental  
40 Protection (DEP) could not charge a permit application fee in excess  
41 of \$30,000 for any application for a permit issued pursuant to the  
42 "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et  
43 seq.), commonly known as "CAFRA," or R.S.12:5-1 et seq.,

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 commonly known as the "Waterfront Development Law," unless the  
2 DEP documents its actual costs in excess of \$30,000 for the review  
3 and processing of the application and the estimated cost of  
4 determining compliance with the conditions of the permit.

5 The DEP, currently by regulation, calculates application fees for  
6 non-residential waterfront development applications and certain non-  
7 residential CAFRA developments based on construction costs while it  
8 calculates application fees for residential developments based on the  
9 number of dwelling units in the proposed development. Currently, the  
10 DEP's regulations include a cap of \$30,000 on the application fees  
11 charged for non-residential waterfront development applications and  
12 certain non-residential CAFRA development applications. The  
13 regulation provides that the DEP may charge a supplemental fee if the  
14 actual costs for review and processing of the application and the  
15 estimated cost of determining compliance with the conditions of the  
16 permit exceed \$30,000. This bill would apply this cap to all  
17 waterfront development and CAFRA permit applications, not just  
18 those for non-residential developments.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 2049**  
**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

DATED: JULY 2, 2001

**SUMMARY**

**Synopsis:** Establishes cap on application fees for certain CAFRA and waterfront development permits.

**Type of Impact:** None.

**Agencies Affected:** Department of Environmental Protection.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	None	None	None
<b>State Revenue</b>	None	None	None

- ! The bill amends section 5 of P.L.1975, c.232 by applying the existing cap, \$30,000, on permit application fees for non-residential CAFRA (Coastal Area Facility Review Act) or waterfront development projects to permit application fees for residential projects.
- ! Permits for CAFRA or waterfront development projects are issued by the Department of Environmental Protection (DEP); permit application fees are calculated to cover DEP costs of reviewing, processing and monitoring these applications.
- ! Current regulations allow an exception to the \$30,000 cap for non-residential permit application fees in cases where the DEP estimates that its processing costs will exceed this amount. The bill extends this exception to the fee cap for residential permit applications.
- ! The Office of Legislative Services (OLS) estimates that the bill will have no fiscal impact on permit application fees for residential CAFRA or waterfront development projects.

**BILL DESCRIPTION**

Senate Bill No. 2049 of 2001 provides that the Department of Environmental Protection (DEP) cannot not charge a permit application fee in excess of \$30,000 for any application for a permit issued pursuant to the "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), commonly known as "CAFRA," or R.S.12:5-1 et seq., commonly known as the

"Waterfront Development Law," unless the DEP documents its actual costs in excess of \$30,000 for the review and processing of the application and the estimated cost of determining compliance with the conditions of the permit.

The DEP currently calculates application fees for non-residential waterfront development applications and certain non-residential CAFRA developments based on construction costs, while it calculates application fees for residential developments based on the number of dwelling units in the proposed development. Existing DEP regulations include a cap of \$30,000 on non-residential application fees and also allows the DEP to charge additional fees to cover application costs if it determines that such costs exceed \$30,000. This bill would apply this cap, and the provision to charge additional costs exceeding the cap if necessary, to all waterfront development and CAFRA permit applications, not just those for non-residential projects.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services (OLS) estimates that the bill will have no fiscal impact on CAFRA or waterfront development permit application fees or the revenues they generate because the bill does not change the existing fee structure of residential development permit applications. Rather, it provides statutory authority to assure that residential waterfront development permit applicants will only be charged for the cost of application services provided, as is the case with current non-residential project applicants.

Section: *Environment, Agriculture, Energy and Natural Resources*

Analyst: *Richard M. Handelman*  
*Senior Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

# SENATE ENVIRONMENT COMMITTEE

## STATEMENT TO

### **SENATE, No. 2049**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 19, 2001

The Senate Environment Committee reports favorably and with committee amendments Senate Bill No. 2049.

This bill would provide that the Department of Environmental Protection (DEP) could not charge a permit application fee in excess of \$30,000 for any application for a permit issued pursuant to the "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), commonly known as "CAFRA," or R.S.12:5-1 et seq., commonly known as the "Waterfront Development Law," unless the DEP documents its actual costs in excess of \$30,000 for the review and processing of the application and the estimated cost of determining compliance with the conditions of the permit.

The DEP, currently by regulation, calculates application fees for non-residential waterfront development applications and certain non-residential CAFRA developments based on construction costs while it calculates application fees for residential developments based on the number of dwelling units in the proposed development. Currently, the DEP's regulations include a cap of \$30,000 on the application fees charged for non-residential waterfront development applications and certain non-residential CAFRA development applications. The regulation provides that the DEP may charge a supplemental fee if the actual costs for review and processing of the application and the estimated cost of determining compliance with the conditions of the permit exceed \$30,000. This bill would apply this cap to all waterfront development and CAFRA permit applications, not just those for non-residential developments.

The committee amendments would make the bill identical to Assembly Bill No. 3215 (1R) by making technical corrections to the section establishing the effective date.



[First Reprint]

**SENATE, No. 2049**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED JANUARY 22, 2001

**Sponsored by:**

**Senator ANDREW R. CIESLA**

**District 10 (Monmouth and Ocean)**

**SYNOPSIS**

Establishes cap on application fees for certain CAFRA and waterfront development permits.

**CURRENT VERSION OF TEXT**

As reported by the Senate Environment Committee on November 19, 2001, with amendments.



1 AN ACT concerning application fees for certain construction permit  
2 applications and amending P.L.1975, c.232.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 5 of P.L.1975, c.232 (C.13:1D-33) is amended to read  
8 as follows:

9 5. a. The commissioner shall adopt, amend and repeal rules and  
10 regulations to implement the provisions of this act. The commissioner  
11 shall in accordance with a fee schedule adopted as a rule or regulation  
12 establish and charge reasonable fees for the filing and review of any  
13 application for a construction permit. The fees imposed hereunder,  
14 except as may otherwise be provided by law, shall be deposited in a  
15 fund to be known as the "Environmental Services Fund," kept  
16 separate and apart from all other State receipts and appropriated only  
17 as provided herein. There shall be appropriated annually to the  
18 department revenue from such fund sufficient to defray in full the costs  
19 incurred in the processing and review of applications for construction  
20 permits.

21 b. In establishing the fee schedule required pursuant to subsection  
22 a. of this section, the commissioner shall not establish a fee in excess  
23 of \$30,000 for the filing and review of any application for a  
24 construction permit pursuant to R.S.12:5-3 or the "Coastal Area  
25 Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), except that  
26 a fee in excess of \$30,000 may be charged if the department  
27 documents actual costs in excess of \$30,000 for the review and  
28 processing of an application and the estimated cost of determining  
29 compliance with the conditions of the permit.

30 (cf: P.L.1975, c.232, s.5)

31  
32 2. This act shall take effect immediately and <sup>1</sup>shall<sup>1</sup> apply to all  
33 permit <sup>1</sup>[application] applications<sup>1</sup> received by the department after  
34 the effective date of this act.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Senate SEN committee amendments adopted November 19, 2001.**

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 2049**

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 29, 2001

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2049 (1R).

This bill provides that fees charged by the Department of Environmental Protection (DEP) for an application for a construction permit under the "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), commonly known as "CAFRA," or R.S.12:5-1 et seq., commonly known as the "Waterfront Development Law," shall not exceed \$30,000, unless the DEP documents that its actual costs for the review and processing of the application, plus the estimated cost of determining compliance with the conditions of the permit, exceed that amount.

The DEP, currently by regulation, calculates application fees for non-residential waterfront development applications and certain non-residential CAFRA developments based on construction costs while it calculates application fees for residential developments based on the number of dwelling units in the proposed development. Currently, the DEP's regulations include a cap of \$30,000 on the application fees charged for non-residential waterfront development applications and certain non-residential CAFRA development applications. The regulation provides that the DEP may charge a supplemental fee if the actual costs for review and processing of the application and the estimated cost of determining compliance with the conditions of the permit exceed \$30,000. This bill would apply this cap to all waterfront development and CAFRA permit applications, not just those for non-residential developments.

The provisions of this bill are identical to those of Assembly Bill No. 3215 (1R).

### FISCAL IMPACT:

The Office of Legislative Services estimates that this bill will have no fiscal impact on CAFRA or waterfront development permit application fees or the revenues they generate because the bill does not change the existing fee structure of residential development permit applications. Rather, it provides statutory authority to assure that residential waterfront development permit applicants will only be charged for the cost of application services provided, as is the case with current non-residential project applicants.

P.L. 2001, CHAPTER 314, *approved January 3, 2002*  
Assembly, No. 3215 (*First Reprint*)

1 **AN ACT** concerning application fees for certain construction permit  
2 applications and amending P.L.1975, c.232.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. Section 5 of P.L.1975, c.232 (C.13:1D-33) is amended to read  
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18 department revenue from such fund sufficient to defray in full the costs  
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21 b. In establishing the fee schedule required pursuant to subsection  
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27 documents actual costs in excess of \$30,000 for the review and  
28 processing of an application and the estimated cost of determining  
29 compliance with the conditions of the permit.

30 (cf: P.L.1975, c.232, s.5)

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32 2. This act shall take effect immediately and <sup>1</sup>shall<sup>1</sup> apply to all  
33 permit <sup>1</sup>[application] applications<sup>1</sup> received by the department after  
34 the effective date of this act.

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39 Establishes cap on application fees for certain CAFRA and waterfront  
40 development permits.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly AEN committee amendments adopted June 4, 2001.

## CHAPTER 314

AN ACT concerning application fees for certain construction permit applications and amending P.L.1975, c.232.

**BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey:*

1. Section 5 of P.L.1975, c.232 (C.13:1D-33) is amended to read as follows:

C.13:1D-33 Rules, regulations; "Environmental Services Fund;" fees.

5. a. The commissioner shall adopt, amend and repeal rules and regulations to implement the provisions of this act. The commissioner shall in accordance with a fee schedule adopted as a rule or regulation establish and charge reasonable fees for the filing and review of any application for a construction permit. The fees imposed hereunder, except as may otherwise be provided by law, shall be deposited in a fund to be known as the "Environmental Services Fund," kept separate and apart from all other State receipts and appropriated only as provided herein. There shall be appropriated annually to the department revenue from such fund sufficient to defray in full the costs incurred in the processing and review of applications for construction permits.

b. In establishing the fee schedule required pursuant to subsection a. of this section, the commissioner shall not establish a fee in excess of \$30,000 for the filing and review of any application for a construction permit pursuant to R.S.12:5-3 or the "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), except that a fee in excess of \$30,000 may be charged if the department documents actual costs in excess of \$30,000 for the review and processing of an application and the estimated cost of determining compliance with the conditions of the permit.

2. This act shall take effect immediately and shall apply to all permit applications received by the department after the effective date of this act.

Approved January 3, 2002.